

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

HONORABLE DENISE PAGE HOOD

v.

No. 20-20452

SOPHIE TOYA,

Defendant.

/

JURY TRIAL - VOLUME 9

Friday, May 10, 2024

Appearances:

On behalf of Plaintiff:

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On behalf of Defendant:

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Transcript produced using machine shorthand and CAT software.

Jury Trial - Vol. 9
Friday, May 10, 2024

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1 Detroit, Michigan

2 Friday, May 10, 2024

3 || 1:40 p.m.

4 || — — —

5 (Call to Order of the Court.)
6 **THE CLERK:** The court calls Case Number 20-20452,
7 *United States of America v. Sophie Toya.*

8 Appearances, please.

9 MS. YUAN: Good afternoon, Your Honor. Rebecca Yuan
10 and Christopher Wenger on behalf of the United States.

11 || **THE COURT:** Okay. Good afternoon to all of you.

12 **MR. CRANMER:** Good afternoon. Tom Cranmer and
13 Phil Shane appearing on behalf of Dr. Toya, who is with us at
14 counsel table.

16 I received a note from the jury asking if they could have
17 the recording/transcript of Dr. Swackhammer and the DMERX Sign
18 and Acknowledgment page/screenshot, and so I sent them in
19 Exhibit 93; and then I talked to the lawyers, and based on your
20 responses to me, I also sent in Exhibit 90 and I sent in a
21 letter, which you should have, that says, "At this time I ask
22 you to rely on your collective memory of Dr. Swackhammer's
23 testimony."

24 Is that accurate? Do you want to add anything to it?

25 MS. YUAN: Yes, Your Honor, that's accurate.

1 **MR. CRANMER:** That is accurate, Your Honor.

2 Thank you.

3 **THE COURT:** All right. And then I received --

4 And we spoke by telephone, and Dr. Toya was there for the
5 call; is that correct?

6 **MR. CRANMER:** She was, Your Honor.

7 **THE COURT:** Okay. And then I also received more
8 recently a note from the jury that says that they have come to
9 a verdict so I'm ready to bring them out unless you want to do
10 something else.

11 **MS. YUAN:** The government is ready, Your Honor.

12 **MR. CRANMER:** The defense is ready, Your Honor.

13 **THE COURT:** Okay. Very well. Let's bring them out.

14 **LAW CLERK:** All rise for the jury.

15 (Jury in at 1:43 p.m.)

16 **THE COURT:** You may all be seated.

17 Are you satisfied the remaining jurors are present and in
18 their proper seats?

19 **MS. YUAN:** Yes, we are, Your Honor.

20 **MR. CRANMER:** We are, Your Honor. Thank you.

21 **THE COURT:** All right. Thank you.

22 Who speaks -- well, first, I should say good afternoon.

23 **THE JURORS:** Good afternoon.

24 **THE COURT:** Okay. And that I have received your
25 earlier note from earlier this morning and responded to it; and

1 then I have received also a note and I responded to it by
2 giving you one exhibit, and then I talked with the lawyers and
3 we determined that you should get another one; and now I have a
4 note from the jury saying that you have come to a verdict. Is
5 that correct?

6 **THE FOREPERSON:** That's correct.

7 **THE COURT:** Okay. Who speaks on behalf of the jury?

8 **THE FOREPERSON:** I do.

9 **THE COURT:** Okay. Please stand, and would you read
10 the verdict form to us, please.

11 **THE FOREPERSON:** "The United States of America,
12 Plaintiff v. Sophie Toya, Defendant.

13 "Verdict Form.

14 "Count 1. As to Count 1 of the indictment, which charges
15 Health Care Fraud, we unanimously find Sophie Toya:

16 "Guilty.

17 "Count 2.

18 "As to Count 2 of the indictment, we unanimously find
19 Sophie Toya:

20 "Guilty.

21 "Count 3.

22 "As to Count 3 of the indictment, we unanimously find
23 Sophie Toya:

24 "Guilty.

25 "Count 4.

1 "As to Count 4 of the indictment, we unanimously find
2 Sophie Toya:

3 "Guilty.

4 "Count 5.

5 "As to Count 5 of the indictment, we unanimously find
6 Sophie Toya:

7 "Guilty.

8 "Count 6.

9 "As to Count 6 of the indictment, we unanimously find
10 Sophie Toya:

11 "Guilty."

12 Signed by myself and dated today.

13 **THE COURT:** Okay. Thank you.

14 Ms. Daley, can you retrieve it, and would you pass it to
15 the government's table and then to the defense table.

16 Thank you.

17 And that is your signature?

18 **THE FOREPERSON:** Yes, it is.

19 **THE COURT:** Okay. Thank you.

20 Do you wish to have the jury polled, Ms. Yuan?

21 **MS. YUAN:** Not at the government's request,
22 Your Honor.

23 **THE COURT:** I'm sorry?

24 **MS. YUAN:** Not at the government's request,
25 Your Honor, but we do not object to it.

1 **THE COURT:** Mr. Cranmer?

2 **MR. CRANMER:** Please, Your Honor, yes.

3 **THE COURT:** By polling the jury, that means we are
4 going to ask each of you whether or not this was your verdict,
5 and so when your name is called or your number is called,
6 please answer the question posed by Ms. Saulsberry. All right?

7 **THE CLERK:** Juror Number 1, please stand. Was that
8 and is that your verdict to all counts?

9 **JUROR:** Yes, it was.

10 **THE CLERK:** Juror Number 2, was that and is that your
11 verdict to all counts?

12 **JUROR:** Yes, it was.

13 **THE CLERK:** Juror Number 3, was that and is that your
14 verdict to all counts?

15 **JUROR:** Yes, it was.

16 **THE CLERK:** Juror Number 4, was that and is that your
17 verdict to all counts?

18 **JUROR:** Yes, it was.

19 **THE CLERK:** Juror Number 6, was that and is that your
20 verdict to all counts?

21 **JUROR:** Yes, it was.

22 **THE CLERK:** Juror Number 7, was that and is that your
23 verdict to all counts?

24 **JUROR:** Yes, it is.

25 **THE CLERK:** Juror Number 8, was that and is that your

1 verdict to all counts?

2 **JUROR:** Yes.

3 **THE CLERK:** Juror Number 9, was that and is that your
4 verdict to all counts?

5 **JUROR:** Yes, it was.

6 **THE CLERK:** Juror Number 11, was that and is that
7 your verdict to all counts?

8 **JUROR:** Yes, it was.

9 **THE CLERK:** Juror Number 13, was that and is that
10 your verdict to all counts?

11 **JUROR:** Yes.

12 **THE CLERK:** Juror Number 14, was that and is that
13 your verdict to all counts?

14 **JUROR:** Yes.

15 **THE CLERK:** And Juror Number 15, was that and is that
16 your verdict to all counts?

17 **JUROR:** Yes.

18 **THE COURT:** Are you satisfied, Mr. Cranmer?

19 **MR. CRANMER:** I am, Your Honor. Thank you.

20 **THE COURT:** All right. Thank you.

21 Do you have any other matters for these jurors?

22 **MS. YUAN:** Not from the government, Your Honor.

23 Thank you.

24 **THE COURT:** Okay. Up until now I have told you you
25 are not permitted to talk about the case among yourselves or

1 with anyone else because you needed to deliberate. Now that
2 you have rendered your decision in open court, you may talk
3 about the case if you choose to with whomever you choose to,
4 and I thank you on behalf of the Court for being willing to sit
5 as jurors in this case.

6 I am going to dismiss you, but I would like you to wait in
7 the jury room for just a few minutes, and then Ms. Saulsberry
8 will come in and release you. All right?

9 Okay. Thank you very much, and you may rise for the jury,
10 and the jury may step down and you are excused.

11 You are going to have to leave your pads with
12 Ms. Saulsberry -- okay? -- and she will destroy them.
13 All right?

14 (Jury out at 1:49 p.m.)

15 **THE COURT:** Okay. You may all be seated.

16 The Court enters the verdict of the jury on all counts of
17 the indictment as guilty, and now I usually set it for
18 sentencing.

19 Mr. Cranmer, are we ready to do that?

20 **MR. CRANMER:** I think so, Your Honor.

21 **THE COURT:** Okay. Ms. Saulsberry.

22 **THE CLERK:** August the 15th at 2:00 p.m.

23 **THE COURT:** Okay. What day of the week is that?

24 **THE CLERK:** Thursday.

25 **MR. CRANMER:** That's acceptable, Your Honor. Thank

1 you.

2 **THE COURT:** All right. Thank you.

3 Dr. Toya, you have to be interviewed by the Probation
4 Department prior to having your sentencing, and your counsel
5 can go with you to the interview where they will ask you a
6 number of questions. All right?

7 Okay. Anything else today? Do we need to set a schedule
8 for any -- for your other motion that we talked about earlier?

9 **MR. CRANMER:** I think we do, but perhaps what I can
10 do, with the Court's permission, is I can be in touch with the
11 government, and we can talk about a schedule that makes some
12 sense and suggest that to the Court and go from there.

13 **THE COURT:** Okay. All right. Anything else I need
14 to take up today?

15 **MR. CRANMER:** Your Honor, I would ask that bond be
16 continued in this matter.

17 **THE COURT:** Do you have any objection to that?

18 **MS. YUAN:** The government does not object to the
19 current conditions of release.

20 **THE COURT:** Okay. Very good. Do you know what your
21 conditions of bond are, Dr. Toya?

22 **THE DEFENDANT:** Yes.

23 **THE COURT:** Who do you report to?

24 **MR. CRANMER:** We don't remember exactly who that is,
25 Your Honor, but I know Dr. Toya has been reporting regularly

1 for a considerable period of time.

2 **THE COURT:** Does she call in or report in person?

3 **MR. CRANMER:** She apparently does it electronically
4 through a website.

5 **THE COURT:** Okay. All right. That's fine. And then
6 Pretrial Services will also give me a report at the time of
7 sentencing. All right?

8 **MR. CRANMER:** Yes, Your Honor.

9 **THE COURT:** Anything else we need to take up today?

10 **MS. YUAN:** Nothing from the government, Your Honor.
11 Thank you.

12 **THE COURT:** Okay. Will you take your exhibits and
13 retain them for the period of appeal?

14 **MS. YUAN:** Yes, we will, Your Honor.

15 **THE COURT:** Okay. Mr. Cranmer, they have your
16 exhibits or they just have copies?

17 **MS. YUAN:** We just have copies. The two exhibits
18 were recordings, Your Honor.

19 **THE COURT:** All right, great. Anything else we need
20 to take up?

21 **MR. CRANMER:** Not at this time, Your Honor.

22 **THE COURT:** All right. Thank you. And thank you for
23 being willing to stay here on a Friday afternoon. I appreciate
24 it.

25 **MS. YUAN:** Thank you, Your Honor.

1 **MR. CRANMER:** Thank you, Your Honor.

2 **THE COURT:** Okay. Approach the sidebar, please.

3 (Discussion held off the record.)

4 (Proceedings concluded at 1:52 p.m.)

5 - - -

6 **C E R T I F I C A T I O N**

7 I certify that the foregoing is a correct transcription of
8 the record of proceedings in the above-entitled matter.

9
10 s/ Sheri K. Ward
11 Sheri K. Ward
12 Official Court Reporter

5/10/2024
Date

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